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THE TEXT OF THE SAFEGUARDS TRANSFER AGREEMENT BETWEEN THE AGENCY, BRAZIL AND THE UNITED STATES OF AMERICA

Protocol of Suspension

1. The text[1/] of the Protocol of 27 March 1996 suspending the application of safeguards under the Safeguards Transfer Agreement[2/] between the Agency, Brazil and the United States of America, is reproduced in this document for the information of all Members.

2. The Protocol entered into force on 22 October 1996.

[1/] The footnotes to the text have been added in the present information circular.

[2/] Reproduced in document INFCIRC/110, INFCIRC/110/Add.1 and INFCIRC/110/Mod.1.

97-02403

PROTOCOL TO SUSPEND THE APPLICATION OF SAFEGUARDS PURSUANT TO THE AGREEMENT OF 10 MARCH 1967 BETWEEN THE AGENCY, BRAZIL AND THE UNITED STATES OF AMERICA IN LIGHT OF THE PROVISIONS FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE QUADRIPARTITE SAFEGUARDS AGREEMENT BETWEEN ARGENTINA, BRAZIL, THE BRAZILIAN-ARGENTINE AGENCY FOR THE ACCOUNTING AND CONTROL OF NUCLEAR MATERIALS AND THE IAEA

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Federative Republic of Brazil (hereinafter referred to as "Brazil"), and the United States of America (hereinafter referred to as the "United States"):

Recognizing that the Agency has been applying safeguards in accordance with the provisions of the agreement between the Agency, Brazil and the United States for the application of safeguards, signed 10 March 1967,[3] as amended 27 July 1972[4] (hereinafter referred to as the "Safeguards Transfer Agreement"), to material, equipment and facilities required to be safeguarded under the Agreement for Co-operation, signed 17 July 1972, superseding the Agreement for Co-operation signed 8 July 1965 (hereinafter referred to as the "Agreement for Co-operation"), to ensure so far as it is able that they will not be used in such a way as to further any military purpose;

Recognizing that Brazil has entered into an agreement with Argentina, the Brazilian-Argentine Agency for the Accounting and Control of Nuclear Materials and the Agency for the application of safeguards to all nuclear material in all nuclear activities in Brazil (hereinafter referred to as the "Quadripartite Agreement");

Recognizing that Article 23 of the Quadripartite Agreement provides for the suspension of Agency safeguards applied pursuant to other safeguards agreements with the Agency;

Recognizing that, under Article X.A(2) of the Agreement for Co-operation, Brazil has guaranteed that no material, including equipment and devices, transferred to Brazil or authorized persons under its jurisdiction pursuant to the Agreement for Co-operation, and no special nuclear material produced through the use of such material, equipment and devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose;

HAVE AGREED AS FOLLOWS:

1. The application of safeguards in Brazil pursuant to the Safeguards Transfer Agreement is suspended while the Quadripartite Agreement is in force and safeguards specified therein are being applied by the Agency.

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[3] Reproduced in document INFCIRC/110

[4] INFCIRC/110/Mod.1

2. The application of safeguards in the United States pursuant to the Safeguards Transfer Agreement is suspended while the agreement that entered into force on 9 December 1980[5] between the Agency and the United States, and the protocol thereto, is in force and safeguards specified therein are being applied by the Agency.

3. This protocol shall be signed by or for the Director General of the Agency and by the authorized representatives of Brazil and the United States, and shall enter into force on the date on which the Agency receives from Brazil and the United States written notification of the fulfillment of their respective internal procedures.

Done in Vienna on the 27th day of March 1996, in triplicate in the English language.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(signed) Hans Blix
Director General

For the FEDERATIVE REPUBLIC OF BRAZIL:

(signed) Affonso Celso de Ouro-Preto
Ambassador
Resident Representative of Brazil
to the IAEA

For the UNITED STATES OF AMERICA:

(signed) John B. Ritch III
Ambassador
Representative of the United States
of America to the United Nations
System Organizations in Vienna

[5] Reproduced in INFCIRC/288